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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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14 MELISSA WHEELER,  
15 Plaintiff,  
16 v.

NO. CIV. S 03-2090 MCE GGH

ORDER

17 CSK AUTO, INC., and DOES 1  
18 through 100, inclusive,  
19 Defendants.  
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24 On June 15, 2005, Larry Schapiro, counsel for Plaintiff in  
25 this matter, submitted his declaration to the Court in support of  
26 an ex parte request to continue the hearing on Defendant's Motion  
27 for Summary Judgment, presently set for June 20, 2005. According  
28 to Mr. Schapiro, the press of other business prevented him from  
submitting a timely opposition to that Motion, and he  
consequently requests additional time in order to respond.

Pursuant to Local Rule 78-230(d), any opposition to Defendant's Motion was due not less than fourteen (14) days preceding the June 20, 2005 hearing date. Consequently, Plaintiff's counsel had until June 6, 2005 to file his opposition. Not only was no such opposition filed, but counsel did not even make the instant request for additional time until nine days after opposition was due, and at a point just five days before the scheduled hearing date on Defendant's Motion.

Plaintiff's counsel has failed to demonstrate any good cause for permitting an additional continuance. By Order dated May 20, 2005, this Court already permitted one continuance of the same Motion for Summary Judgment in order to accommodate Mr. Schapiro's schedule. Additionally, and at a very minimum, counsel has failed at this juncture to show why he could not have requested a continuance in advance of the date his opposition was due, rather than filing nothing at all until less than a week before the instant motion was set to be heard.

Plaintiff's Ex Parte Application for continuance of Defendant's Motion for Summary Judgment is accordingly DENIED.

IT IS SO ORDERED.

DATED: June 17, 2005



MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE